

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER CHARLES CLARK,

Plaintiff,

v.

FIDEL GUTIERREZ, et al.,

Defendants.

No. 1:21-cv-01386-AWI-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(ECF Nos. 13, 15)

Christopher Charles Clark (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action filed pursuant to 42 U.S.C. § 1983, which includes state law claims. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 3, 2022, the assigned magistrate judge entered screening findings and recommendations, recommending that “[t]his case proceed on Plaintiff’s Eighth Amendment claims against defendants Garza, Carolina, Espitia, Aguilar, Oehlert, Niztescu, Jane Doe (a TTA), and Rizk for deliberate indifference to his serious medical needs; Plaintiff’s California Government Code § 845.6 claim against defendants Garza, Carolina, Espitia, Aguilar, Oehlert, and Niztescu; Plaintiff’s negligence claim against defendants Shirley, White, Cronjager, Thomas, Gutierrez, Doe 1 (a contractor supervisor), and Doe 2 (a contractor); and Plaintiff’s medical negligence claim against defendants Jane Doe (a TTA) and Rizk.” (ECF No. 15 at 22). The assigned magistrate judge also recommended that “[a]ll other claims be dismissed.” (*Id.*).

Plaintiff was provided an opportunity to file objections to the findings and

1 recommendations. The deadline for filing objections has passed and Plaintiff has not filed
2 objections or otherwise responded to the findings and recommendations.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
4 Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
5 Court finds the findings and recommendations to be supported by the record and proper analysis.

6 Accordingly, IT IS ORDERED that:

- 7 1. The findings and recommendations issued on June 3, 2022, (ECF No. 15), are
8 adopted in full;
- 9 2. This case proceed on Plaintiff's Eighth Amendment claims against defendants
10 Garza, Carolina, Espitia, Aguilar, Oehlert, Niztescu, Jane Doe (a TTA), and Rizk
11 for deliberate indifference to his serious medical needs; Plaintiff's California
12 Government Code § 845.6 claim against defendants Garza, Carolina, Espitia,
13 Aguilar, Oehlert, and Niztescu; Plaintiff's negligence claim against defendants
14 Shirley, White, Cronjager, Thomas, Gutierrez, Doe 1 (a contractor supervisor), and
15 Doe 2 (a contractor); and Plaintiff's medical negligence claim against defendants
16 Jane Doe (a TTA) and Rizk;
- 17 3. All other claims are dismissed; and
- 18 4. The Clerk of Court is directed to reflect the dismissal of defendant Sutton on the
19 Court's docket, and to add defendants Garza, Carolina, Espitia, Aguilar, Oehlert,
20 Niztescu, Jane Doe (a TTA), Rizk, Shirley, Thomas, Doe 1 (a contractor
21 supervisor), and Doe 2 (a contractor).

22 IT IS SO ORDERED.

23 Dated: September 8, 2022

24 
25 SENIOR DISTRICT JUDGE
26
27
28